

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-cr-00025

STEPHEN CORTEZ BELCHER

**MEMORANDUM OPINION AND ORDER**

Pending before the court is defendant Stephen Belcher's pro se Motion to Void Plea/or Withdrawal. ECF 60. Based upon the reasons set forth below, the defendant's pro se motion is **DENIED** without prejudice.

There is no constitutional right for a defendant who is represented by counsel to file motions on his own behalf, an action referred to as hybrid representation. See United States v. Dawkins, Cr. No. 7:10-cr-00241-GRA, 2010 WL 3607480, +1 (D.S.C. Spt. 9, 2010). Thus, it is within a district court's discretion to entertain a defendant's pro se motion when they have counsel. See United States v. Singleton, 107 F.3d 1091, 1103 (4<sup>th</sup> Cir. 1997) (upholding discretion of district court to restrict hybrid representation).

In the instant case, the defendant was represented by counsel at the time he filed his pro se Motion to Void Plea/or Withdrawal. The defendant has since acquired new counsel, per the defendant's request, and the new counsel has not joined in

the motion on the defendant's behalf. Therefore, the court finds that the defendant's pro se motion amounts to hybrid representation and further finds that entertaining the defendant's instant motion on his own behalf would be improper in light of the defendant having counsel. Thus, the court **DENIES** the defendant's Motion to Void Plea/or Withdrawal without prejudice.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 10th day of January, 2019.

**ENTER:**

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge